

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KPI BRIDGE OIL SINGAPORE PTE LTD.,

Plaintiff,

v.

M/V CITY OF TOKYO (IMO 8709145), her
tackle, boilers, apparel, furniture, engines,
appurtenances, etc., *in rem*,

and

CEDAR CAR CARRIER AS, and ABOU
MERHI LINES SAL, *in personam*

Defendants.

IN ADMIRALTY

CASE NO.:

**ORDER AUTHORIZING
ISSUANCE OF WARRANT OF
ARREST**

Having reviewed and considered the Motion for Issuance of Warrant of Arrest of Plaintiff, KPI BRIDGE OIL SINGAPORE PTE LTD, and Plaintiff's Verified Complaint, and finding that the conditions of Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure appear to exist, the Court hereby finds that the Motion is meritorious and should be **GRANTED**.

It is therefore **ORDERED, ADJUDGED AND DECREED** that a Warrant of Arrest be issued against the M/V CITY OF TOKYO (IMO 8709145), her engines, freights, apparel, appurtenances, tackle, etc. ("Vessel") as prayed for in the Verified Complaint; and

1 **IT IS FURTHER ORDERED** that a copy of this order be attached and served with said
2 Warrant of Arrest on the person in charge of the said Vessel or her agent; and

3 **IT IS FURTHER ORDERED** that the United States Marshal and/or any Substitute
4 Custodian, which is subsequently appointed by this Court, is authorized to allow the M/V CITY
5 OF TOKYO to conduct normal cargo operations, both discharging and loading, repair works,
6 and to shift berths (consistent with the U.S. Marshal's requirements), always remaining within
7 this judicial district, and always at the risk and expense of the vessel's interests; and
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9 **IT IS FURTHER ORDERED** that the Warrant of Arrest shall provide for the crew of
10 the Vessel to remain on the vessel during the time the vessel is *in custodia legis*; and

11 **IT IS FURTHER ORDERED** that the charges and expenses incurred by the U.S.
12 Marshal shall be deemed *in custodia legis*, and will be paid from the proceeds of the vessel's sale
13 unless otherwise agreed. If a written objection is timely filed, payment of the disputed charges
14 only shall be made after the objection is resolved by agreement of the parties or by Court Order.
15 Payment of the undisputed charges shall not be affected;
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17 **IT IS FURTHER ORDERED** that the Vessel may be released from seizure without
18 further order of this Court if the Marshal receives written authorization from the attorney who
19 requested the seizure, and that such attorney advises that he has conferred with all counsel
20 representing all of the parties to the litigation and they consent to the release, if the attorney files
21 the consent and the Court has not entered an Order to the contrary, and also provided that the
22 U.S. Marshal confirms that all expenses and fees due to the U.S. Marshal have been paid; and
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24 **IT IS FURTHER ORDERED** that the Plaintiff shall agree to release and hold harmless,
25 and indemnify the United States of America, the United States Marshal, their agents, servants,
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1 employees, and all others for whom they are responsible, from any and all liability or
2 responsibility for claims arising from the attachment of the vessel; and

3 **IT IS FURTHER ORDERED** that any person claiming an interest in the Vessel shall,
4 upon application to the Court, be entitled to a prompt hearing pursuant to Supplemental
5 Admiralty Rule E(4)(f) and LAR 116(b) at which the plaintiff shall be required to show why the
6 arrest should not be vacated or other relief granted.

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8 SIGNED at Tacoma, Washington this 1st day of May, 2015.

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12 BENJAMIN H. SETTLE
13 United States District Judge
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15 **Presented by:**

16 NICOLL BLACK & FEIG PLLC
17

18 /s/ Jeremy B. Jones
19 Jeremy B. Jones, WSBA #44138
20 *Attorneys for Plaintiff*
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